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13 UNITED STATES DISTRICT COURT
 14 DISTRICT OF NEVADA

15 NICHOLAS V. MAESTAS,

16 Plaintiff,

17 v.

18 LeGRAND, et al.

19 Defendants.

Case No. 3:10-cv-00585-HDM-VPC

**DEFENDANTS' MOTION FOR
 ENLARGEMENT OF TIME TO FILE
 JOINT PRE-TRIAL ORDER**

20 Defendants, by and through counsel, Catherine Cortez Masto, Attorney General of the
 21 State of Nevada, Kaitlyn Miller, Deputy Attorney General, hereby move this Court for a thirty
 22 (30) day enlargement of time to file the Joint Pre-trial Order. The instant Motion is made
 23 pursuant to Fed. R. Civ. P. 6, the following Memorandum of Points and Authorities and all
 24 other papers and pleadings on file herein.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

25 Defendants seek a thirty day enlargement of time up to and including August 10, 2012
 26 in which to file the Joint Pre-Trial Order in this matter.

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MEMORANDUM OF POINTS AND AUTHORITIES

I. DISCUSSION

A. Good Cause Exists to Grant the Instant Enlargement of Time, Which is Not Made For The Purpose Of Delay.

FRCP 6(b) addresses extending time, stating:

(1) In General.

When an act may or must be done within a specified time, the court may, for good cause, extend the time:

(A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or

(B) on motion made after the time has expired if the party failed to act because of excusable neglect.

The proper procedure, when additional time for any purpose is needed, is to present the request for extension of time before time then fixed for purpose in question has expired. *Canup v. Mississippi Val. Barge Line Co.*, 31 F.R.D. 282 (W.D.Pa.1962). Extensions of time may always be asked for, and usually are granted on a showing of good cause if timely made under subdivision (b)(1) of the Rule. *Creedon v. Taubman*, 8 F.R.D. 268 (N.D.Ohio 1947). Good cause exists to enlarge the time by which a party may file a brief where additional time is needed to prepare such a brief. See *O'Connor v. U.S. I.R.S.*, 698 F.Supp. 204, 205 (D. Nev. 1988) (district court granted the plaintiffs' motion for an extension of time to oppose a motion for summary judgment); *Germaine Music v. Universal Songs of Polygram*, 275 F.Supp.2d 1288, 1301 (district court granted movant's motion for additional time to oppose a motion for summary judgment, in part due to movant's need to acquire or prepare extensive documents so as to be able to adequately oppose the motion).

The Joint Pre-Trial Order is currently due July 12, 2012; accordingly the instant request for an enlargement of time is timely, as the original period to file the Joint Pre-Trial Order has not expired. Defendants are in the process of drafting the JPTO. Once drafted, Defendants will then send Plaintiff the document for review, revisions and approval. Accordingly, defense

1 counsel requests a brief, thirty day enlargement of time up to and including August 10, 2012
2 in which to file the parties' Joint Pre-Trial Order.


3 **IV. CONCLUSION**

4 Based on the foregoing, Defendants respectfully request that the Motion for
5 Enlargement of Time to file the Joint Pre-Trial Order be GRANTED.

6 Dated: July 12, 2012.

7 CATHERINE CORTEZ MASTO
8 Attorney General

9 By:


10 KAITLYN MILLER
11 Deputy Attorney General
12 Bureau of Litigation

Attorneys for Defendants

13 **IT IS SO ORDERED**

14 
15 U.S. MAGISTRATE JUDGE

16 DATED: 
17 July 18, 2012
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on July 12, 2012, I have caused a copy of the foregoing document to be served, by mailing a true and correct copy to the following:

NICHOLAS V. MAESTAS #75777
LOVELOCK CORRECTIONAL CENTER
1200 PRISON ROAD
LOVELOCK NV 89419-5110

/s/ Britta Appel
BRITTA APPEL